

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

05 - 10650 RWZ

FLEET NATIONAL BANK
Plaintiff,

MAGISTRATE JUDGE *Alexander*

VS.

No.

EUGENE KELLEY
JACQUELINE KELLEY
Defendants


RECEIPT # *63228*
AMOUNT \$ *750*
SUMMONS ISSUED *N/A*
LOCAL RULE 4.1 *1*
WAIVER FORM *1*
MCF ISSUED *1*
BY DPTY CLK. *10W1*
DATE *4-4-05*

NOTICE OF REMOVAL

1. Pursuant to 28 U.S.C. § 1441(b), 1331, and 1446, the Plaintiff/Defendant in Counterclaim, Fleet National Bank ("Fleet") hereby remove to this Court the above-captioned state court civil action which is pending in the Boston Municipal Court Department, Civil Business Division, Commonwealth of Massachusetts.
2. On or about March 7, 2005, the Defendants/Plaintiffs in Counterclaim, Eugene Kelley and Jacqueline Kelley, ("Kelleys") filed a counterclaim ("Counterclaim") in Civil Action, 239469 against Fleet National Bank. The Counterclaim sets forth allegations that Fleet inaccurately reported the status of the promissory note (the "Note") to various consumer credit reporting agencies and as a result the Note was inaccurately reported on the Kelleys' credit reports. The Note is the basis of the state court civil action.
3. Congress has provided that any claims setting forth the accuracy or fairness of consumer credit reporting are governed by 15 U.S.C. § 1681, The Fair Credit Reporting Act.

4. This Court has original jurisdiction of the above-captioned action pursuant to 28 U.S.C. § 1331 as the claims asserted on the face of the Counterclaim present questions under federal law. To the extent the Counterclaim asserts any claim under state law, this court may exercise jurisdiction over those claims as well pursuant to 28 U.S.C. § 1367(a).
5. This Notice is filed with this Court within thirty (30) days after attempted service of the Counterclaim.

Plaintiff/Defendant in Counterclaim,
Fleet National Bank
By their Attorneys,
Shechtman Halperin Savage, LLP,




Shawn M. Masterson, #658276
86 Weybosset Street
Providence, RI 02903
(401) 272-1400 phone
(401) 272-1403 fax

CERTIFICATE OF SERVICE

I certify that the within Notice of Removal was served upon the following *counsel* for Defendants/Plaintiffs in Counterclaim by first class mail, postage prepaid, on March 31, 2005:

Karl F. Stammen, Jr., Esq
137 South Street, Suite 3
Boston, MA 02111



Shawn M. Masterson

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

BOSTON MUNICIPAL COURT
CIVIL BUSINESS DIVISION
Civil Action No. 239469

FLEET NATIONAL BANK,
Plaintiff

VS.

EUGENE KELLEY and
JACQUELINE KELLEY
Defendants

PLAINTIFF'S ANSWER TO DEFENDANTS' COUNTERCLAIM

1. Paragraph 1 of Defendant's counterclaim (the "Counterclaim") admitted.
2. Paragraph 2 of the Counterclaim admitted.
3. Paragraph 3 of the Counterclaim admitted.
4. Paragraph 4 of the Counterclaim admitted.
5. Paragraph 5 of the Counterclaim admitted.
6. Paragraph 6 of the Counterclaim admitted.
7. Plaintiff is without knowledge or information sufficient enough to form a belief as to the truthfulness of the allegations contained in Paragraph 7 of the Counterclaim and denies the same.
8. Plaintiff is without knowledge or information sufficient enough to form a belief as to the truthfulness of the allegations contained in Paragraph 8 of the Counterclaim and denies the same.

9. Plaintiff is without knowledge or information sufficient enough to form a belief as to the truthfulness of the allegations contained in Paragraph 9 of the Counterclaim and denies the same.

10. Plaintiff denies the allegations contained in paragraph 10 of the Counterclaim.

11. Plaintiff denies the allegations contained in paragraph 11 of the Counterclaim.

12. Plaintiff denies the allegations contained in paragraph 12 of the Counterclaim.

13. Plaintiff denies the allegations contained in paragraph 13 of the Counterclaim.

14. Plaintiff hereby incorporates its responses to paragraphs 1 through 13,

15. Paragraph 15 is a legal conclusion to which no response is required. However, to the extent that there are factual allegations contained therein, Plaintiff denies the same.

16. Paragraph 16 is a legal conclusion to which no response is required. However, to the extent that there are factual allegations contained therein, Plaintiff denies the same.

17. Plaintiff denies the allegations contained in paragraph 17 of the Counterclaim.

18. Plaintiff hereby incorporates its responses to paragraphs 1 through 17.

19. Plaintiff denies the allegations contained in paragraph 19 of the Counterclaim.

20. Paragraph 20 is a legal conclusion to which no response is required. However, to the extent that there are factual allegations contained therein, Plaintiff denies the same.

21. Paragraph 21 is a legal conclusion to which no response is required. However, to the extent that there are factual allegations contained therein, Plaintiff denies the same.

AFFIRMATIVE DEFENSES AND OTHER DEFENSES

SECOND DEFENSE

Defendants' Counterclaim fails to state a claim upon which relief can be granted.

THIRD DEFENSE

Defendants' Counterclaim should be dismissed for lack of personal jurisdiction.

FOURTH DEFENSE

Defendants' Counterclaim should be dismissed for lack of subject matter jurisdiction.

FIFTH DEFENSE

Defendants' Counterclaim should be dismissed for insufficiency of process.

SIXTH DEFENSE

Defendants' Counterclaim should be dismissed for insufficiency of service of process.

SEVENTH DEFENSE

Defendants' Counterclaim should be dismissed for failure to name an indispensable party.

EIGHTH DEFENSE

Plaintiff asserts the equitable defenses of unclean hands, waiver, estoppel, setoff, recoupment, and laches.

NINTH DEFENSE

Defendants' Counterclaim is barred by the applicable statute of limitations

Plaintiff,
By its Attorneys,
Shechtman Halperin Savage, LLP




Shawn M. Masterson, BBO# 658276
86 Weybosset Street
Providence, RI 02903
(401) 272-1400

Dated: March 31, 2005

CERTIFICATION

I certify that on this 31st day of March 2005, I mailed a true and accurate copy of the within document to Karl Stammen, Esq., 137 South Street, Suite 3., Boston, MA 02111.



Shawn M. Masterson

KARL F. STAMMEN, JR.
ATTORNEY AT LAW

137 SOUTH STREET, SUITE 3
BOSTON, MA 02111

T: 617.227.8050
781.659-2292
F: 617.695.0519

March 7, 2005

Boston Municipal Court Dept.
John W. McCormick Post Office &
Courthouse, 16th floor
90 Devonshire Street
Boston Ma 02109
Attn: Civil Clerk's Office

re: Fleet National Bank

v.

Eugene Kelley and
Jacqueline Kelley

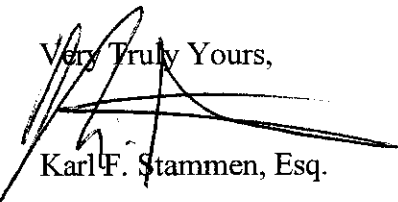
Civil Action No.: 239469

Dear Sir/Madam:

Enclosed for filing please find Defendants' Amended Answer with Affirmative Defenses, Counterclaims and Demand For Jury Trial. Kindly file and docket the enclosed.

I thank you for your courtesy and assistance in this regard.

Very Truly Yours,



Karl F. Stammen, Esq.

KFS:cc

Enclosure

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

**BOSTON MUNICIPAL COURT
CIVIL BUSINESS DIVISION
CIVIL ACTION NO.: 239469**

**FLEET NATIONAL BANK,
Plaintiff**

V.

**EUGENE KELLEY and
JACQUELINE KELLEY
Defendants**

**DEFENDANTS' AMENDED
ANSWER WITH
AFFIRMATIVE DEFENSES,
COUNTERCLAIMS AND
DEMAND FOR TRIAL BY JURY**

1. The defendants admit the allegations set forth in paragraph 1 of the plaintiff's amended complaint.
2. The defendants admit the allegations set forth in paragraph 2 of the plaintiff's amended complaint.
3. The defendants admit the allegations set forth in paragraph 3 of the plaintiff's amended complaint.
4. The defendants deny the allegations set forth in paragraph 4 of the plaintiff's amended complaint.

WHEREFORE, the defendants pray that the plaintiff's complaint be dismissed and that the defendants be awarded their costs and reasonable attorney's fees incurred in defending this frivolous action.

AFFIRMATIVE DEFENSES

**FAILURE TO STATE A CLAIM UPON WHICH
RELIEF CAN BE GRANTED**

The plaintiff's complaint fails to state a claim upon which relief can be granted.

ESTOPPEL

The plaintiff's claims are barred by the doctrine of Estoppel.

WAIVER

The plaintiff has waived any claims which it may have had against the defendants.

**FAILURE TO GIVE NOTICE
OF CLAIM**

If the defendants owe the plaintiff anything, which they deny, the plaintiff failed to give the defendants timely notice of its claim.

PAYMENT

All monies which the defendants owed the plaintiff were paid.

ACCORD AND SATISFACTION

An accord and satisfaction was reached between plaintiff and defendants relative to money owed the plaintiff by the defendants.

WHEREFORE, the defendants pray that plaintiff's complaint be dismissed and that they be awarded their costs and reasonable attorney's fees in defending this frivolous action.

COUNTERCLAIM

Parties

1. The Defendant/Plaintiff in Counterclaim Eugene Kelley is an individual residing at 99 Summer St., East Boston, MA.
2. The Defendant/Plaintiff in Counterclaim Jacqueline Kelley is an individual residing at 99 Summer St., East Boston, MA.
3. The Plaintiff/Defendant in Counterclaim, Fleet Bank, is a business entity with principal place of business located in Greensboro, North Carolina. Bank of America is successor in interest to Fleet Bank.

Statement of Facts

4. On or about March 6, 1989 the Defendants/Plaintiffs (hereinafter, the Kelleys) in counterclaim purchased the premises known and numbered as 278 Lincoln St. (hereinafter the subject property).
5. In order to finance the purchase of the subject property the Kelleys obtained a loan from Sentry Federal Savings Bank, executed a note under which they promised to repay Sentry Federal Savings Bank the loan and granted Sentry Federal Savings Bank a mortgage on the subject property to secure repayment of the loan.
6. At some point following the events described in Paragraph 5 of this counterclaim the Plaintiff/Defendant in Counterclaim, Fleet Bank (hereinafter Fleet), became the holder of the note and mortgage which the Kelleys had granted Sentry Federal Savings Bank as set forth herein.
7. At some point after Fleet became the holder of the note and mortgage referenced herein the Kelleys decided to sell the subject property.
8. At the time that the Kelleys were in the process of selling the subject property a payoff of the note and mortgage secured by the subject real estate was ordered from Fleet.
9. In response to the order Fleet provided a payoff statement on the note and mortgage secured by the subject real estate.
10. The payoff statement provided by Fleet understated the amount which the Kelleys owed under the terms of the note and mortgage secured by the subject real estate.
11. On or about October 28, 1999 the Kelley's sold the subject real estate. From the proceeds of the sale payoff of the note and mortgage secured by the subject real estate was made to Fleet in the amount called for under the payoff statement provided by Fleet and in reliance thereon.
12. Thereafter Fleet issued a discharge of the subject mortgage and on or about September 8, 2000 it was recorded.
13. Subsequent to Fleet accepting the payoff of the subject note and mortgage in accordance with the payoff statement which Fleet issued and subsequent to issuing a discharge of the subject mortgage, unbeknownst to the Kelleys the subject loan was adversely reported on their credit history.

Count I

Negligence

14. The Kelleys repeat, re-allege and re-aver all of the allegations set forth in Paragraphs 1-13 of their counterclaim as if set forth in their entirety herein and incorporate them by reference herein.
15. At all times relevant hereto Fleet owed the Kelleys a duty to keep accurate records and not improperly report adverse credit events on their credit history.
16. By allowing the note and mortgage referred herein to be reported adversely on the Kelleys' credit report after, to the Kelley's knowledge, it had been paid in full and discharged, Fleet breached the duty which it owed to the Kelleys.
17. The Kelleys have been damaged by Fleet's erroneous and negligent reporting of adverse credit events on their credit history.

WHEREFORE, the Kelleys pray that judgment enter for them against Fleet in an amount equal to the damage they have sustained as a result of Fleet's negligence.

Count II

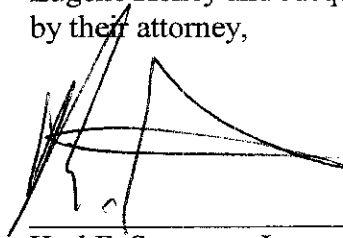
Unfair and Deceptive Business Practices in Violation of MGL c. 93A

18. The Kelleys repeat, re-allege and re-aver all of the allegations set forth in Paragraphs 1 -17 of this counterclaim as if set forth in their entirety and incorporate them by reference herein.
19. At all times relevant hereto the Plaintiff/Defendant in counterclaim, Fleet Bank was in the business of lending within the meaning of MGL c. 93A.
20. All of the actions taken by Fleet as alleged in this counterclaim were taken during the course of its' business and taken individually and collectively constitute unfair and deceptive business practices as defined by the statute.
21. The Kelleys have suffered damage as a result of Fleet's unfair and deceptive business practices.

WHEREFORE, the Kelleys pray that judgment enter for them against Fleet in an amount equal to the damages which they have sustained as the result of Fleet's unfair and deceptive business practices, that that amount be doubled and or trebled, that the Kelleys be awarded their reasonable attorneys' fees, all as called for under the statute and that this Honorable Court award the Kelleys any and all such other relief as it deems meet, just and proper.

THE DEFENDANTS DEMAND TRIAL BY JURY ON ALL MATTERS ASSERTED.

Defendants/Plaintiffs in Counterclaim,
Eugene Kelley and Jacqueline Kelley
by their attorney,

A handwritten signature in black ink, appearing to read 'Karl F. Stammen Jr.', written over a horizontal line.

Karl F. Stammen Jr.
137 South St. # 3
Boston, MA 02111
BBO # 555537
(617) 227 - 8050

CERTIFICATE OF SERVICE

I hereby certify that on this date the original and a copy of the foregoing was served by first class mail, postage prepaid, and by facsimile to Shawn M. Masterson, Esq., 86 Weybosset St., Providence, RI 02903, this 7th day of March, 2005.

A handwritten signature in black ink, appearing to read 'Karl F. Stammen', written over a horizontal line.

Karl F. Stammen, Esq.

March 7, 2005.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS1. Title of case (name of first party on each side only) Fleet National Bank vs Eugene Kelley

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- ☐ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☐ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ☒ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 480, 490, 610, 620, 630, 640, 645, 650, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☐ NO ☒

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☒ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Shawn M. Masterson BBO# 658276ADDRESS 86 Weybosset Street Providence, RI 02903TELEPHONE NO. 877-575-1400

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Fleet National Bank	DEFENDANTS Eugene Kelley and Jacqueline Kelley
(b) County of Residence of First Listed Plaintiff <u>Greensboro, NC</u> (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant <u>Suffolk County, MA</u> (IN U.S. PLAINTIFF CASES ONLY)
(c) Attorney's (Firm Name, Address, and Telephone Number) <u>877 575-1400</u> Shechtman Halperin Savage LLP 86 Weybosset St. Providence, RI 02903	NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) <u>Karl F. Stammen, Jr., Esq</u> <u>137 South Street, Suite 3</u> <u>Boston, MA 02111</u>

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																								
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Citizen of This State</th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> <th style="text-align: left;">Incorporated or Principal Place of Business In This State</th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> </tr> <tr> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business In This State	PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business In This State	PTF	DEF																				
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IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input checked="" type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property
	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)							
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment	

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>15 U.S.C. sec. 1681</u> Brief description of cause: <u>Allegations of inaccurate and unfair credit reporting</u>
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ <u>19,653.70</u>	CHECK YES only if demanded in complaint: + interest/fees <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE _____
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DATE <u>3-29-05</u>	SIGNATURE OF ATTORNEY OF RECORD _____	DOCKET NUMBER _____
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FOR OFFICE USE ONLY				
RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____